

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAN 19 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID Y. KAO and FERNANDO GONZALEZ

Application No. 08/720,693

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 21, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

In the examiner's answer (p. 5, prgh. 10) mailed on January 27, 2004, the examiner has included in the Grounds of Rejection, references to JP 5-175190 and JP 62-48028. The references were not listed in the Prior Art (p. 3, prgh. 9). Appropriate correction is required.

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In a communication and PTO-892 form filed January 27, 2004, the examiner stated that the reference for JP 5-175190 and English translation was provided. A review of the file reveals that an English translation was not provided for this reference. Before further review of this application, the examiner must submit an English translation.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) the issuance of a Supplemental Examiner's Answer, having the Japanese references 5-175190 and 62-48028 listed under the prior art of record, 2) entry of an English translation for JP 5-175190; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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Application No. 08/720,693

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